

Application No.: 10/646,070

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Docket No.: 546322000303

REMARKS**Communication mailed on March 7, 2005:**

Reconsideration is respectfully requested. In the communication mailed March 7, 2005, the Examiner indicated that each claim has not been provided with the proper status identifier, and in particular, that although Applicant has corrected the numbering of the second occurring claim 98 to claim 99 under Rule 1.126, claim 99 has been erroneously indicated as "currently amended". Applicant has corrected the numbering of the second occurring claim 98 to claim 99 under Rule 1.126. The claim itself has not been amended. Accordingly, claim 99 is listed with the status identifier "previously presented".

Restriction Requirement Response Mailed on December 15, 2004:

For the Examiner's convenience we repeat below the Response to the Restriction Requirement mailed on December 15, 2004.

Claims 48-49, 51, 53, and 82-85 have been amended. After entry of this amendment, claims 48-106 will be pending.

The Examiner has required restriction between claims 48-91 and claims 92-106, which the Examiner has termed Group I and Group 2, respectively. Group I claims are drawn to an isolated genetic construct, and Group 2 claims are drawn to a method of treating a human cell administering the genetic construct of Group I. The Examiner has stated that the two groups describe two distinct inventions related as product and process of use.

Applicants thank the Examiner for the acknowledgment that in the event that the product claims are deemed allowable, determining patentability of the process claims that depend from or otherwise include all of the limitations of the allowable product claim does not impose an undue burden. However, the Examiner further indicates that until the product is deemed allowable, search

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and examination of the process claims with the product claims imposes an undue burden on the Office.

Applicants elect Group I, 48-91, with traverse, for further prosecution in this matter. Applicants respectfully assert that it would not be an undue burden to examine the process claims with the product claims at this time. Applicants respectfully request that the claims of Group II be rejoined upon an indication of allowability of the claims of Group I.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 546322000303. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 7, 2005

Respectfully submitted,

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